IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9276 of 2007

TUESDAY, THE FIRST DAY OF MAY TWO THOUSAND AND SEVEN

Between:

Y. Deepak Bharadwaz, S/o. Y. Amareswara Rao,
Aged about 19 years, R/o.H.No.1-1-1/16/1, SBH
Colony, Mohan Nagar, Kothapet, Hyderabad,
And another.

… Petitioners

And

Jawaharlal Nehru Technological University,
Rep. by its Registrar, Hyderabad, and another.

… Respondents

Order:

Petitioners, who are students of the second respondent-college, have filed this Writ Petition seeking Mandamus to declare the action of respondents in not permitting them to appear for examinations of II semester of second year examinations as illegal and arbitrary.

2. Heard learned counsel for petitioners and learned Standing

Counsel appearing on behalf of the respondents.

3. Petitioners are students of second respondent college; pursuing Engineering course in C.S.E. and E.C.E branches respectively. It is stated that the college has affixed a notice in the notice board to the effect that petitioners have been detained on account of shortage of attendance and on enquiry, they were informed that they had only 57.14% and 59.2% of attendance respectively. Their grievance is that respondents are not allowing them to appear for examinations of II year II semester on the ground that they do not possess requisite percentage of attendance.

4. Learned Standing Counsel for the University, on the other hand, submits that the minimum required attendance is 75%, and in deserving cases, the Vice-Chancellor is conferred with the power to condone the shortage up to 10%. On instructions, he submits that petitioners have only 57.14% and 59.2% of attendance respectively and hence they were not permitted to appear for examinations.

5. Though it is an unfortunate case where petitioners were bedridden, it is to be seen that as per the academic regulations, a student has to put in a minimum of 75% of attendance in aggregate condonable upto 10%, i.e. if a candidate puts in attendance below 65%; in any event, he is not eligible to sit for examinations.

6. The shortage of attendance, beyond a point, cannot be excused at all. There is catena of decisions to that effect. No direction can be granted to the respondents to permit the petitioners to sit for examinations in the absence of their possessing requisite percentage of attendance.

7. The Writ Petition is devoid of merits and is accordingly

dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

May 1, 2007
MRR